

REMARKS/ARGUMENTS

Claims 1, 12, 18-19 and 21 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,327,660 (Patel). Additionally, claims 2-11, 13-17 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Patel in view of the Krawczyk publication. Applicant has placed claims 2 and 13 into independent form including limitations from claims 1 and 2. Claim 18 has been amended to include the limitation of claim 20. Claims 1, 12, 20 and 21 have been cancelled without prejudice.

With respect to the §102(b) rejection, independent claims 1, 12 and 21 have been cancelled without prejudice and independent claim 18 has been amended to include limitations from claim 20. Therefore, withdrawal of the §102(b) rejection is respectfully requested.

With respect to the §103(a) rejection, Applicant respectfully traverses this rejection because Patel is not a valid prior art reference. The Office Action uses Patel as a prior art reference under 35 U.S.C. § 103(a) with respect to claims 2-11, 13-17 and 20. However, based on the filing of the continuation application herewith, 35 U.S.C. § 103(c) excludes references which may qualify as prior art under 35 U.S.C. § 102(e), (f), and (g) from being used as a prior art reference under 35 U.S.C. § 103(a). The text of 35 U.S.C. § 103(c) recites that “[s]ubject matter developed by another person, which qualifies as prior art under one or more of subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.” *See 35 U.S.C. §103(c), MPEP 706.02(I)(1).*

The subject matter of Patel and the claimed present invention were, at the time the invention was made, owned by Intel Corporation or subject to an obligation of assignment to Intel Corporation. The subject application has an effective filing date of November 22, 1999,

which predates the issue date of December 4, 2001 for Patel. Therefore, Patel is not a valid prior art reference and does not obviate any of the pending claims 2-11, 13-19 and 21.

Withdrawal of outstanding §103(a) rejection is respectfully submitted.

Conclusion

In view of the foregoing, Applicant contends that the pending claims are in condition for allowance and respectfully request the Examiner to reexamine these claims. Allowance of these claims at Examiner's earliest convenience is respectfully solicited.

Respectfully submitted,

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